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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Ajay Suresh,

Plaintiff,

v.

Schola Incorporated,

Defendant.

No. CV-24-02173-PHX-KML

ORDER

Plaintiff Ajay Suresh filed this copyright action on August 23, 2024. (Doc. 1.) The court entered an order directing the Clerk of Court to dismiss this case on November 29, 2024, if Suresh had not filed proof of service by that date. Suresh did not file proof of service by the deadline. On December 4, 2024, the Clerk of Court dismissed the case. (Doc. 11.) On December 11, 2024, Suresh filed a "motion to reinstate." (Doc. 13.) That motion claims defendant Schola, Inc., was served on November 20, 2024. (Doc. 13 at 2.) Suresh states an "oversight in the course of diligent efforts to effectuate service" resulted in the proof of service not being filed. (Doc. 13 at 2.)

Service of process may have been accomplished before the deadline, plaintiff filed his motion one week after the case was closed, and the case was filed not long ago. Therefore, reopening is merited. *See Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011) (noting "district court enjoys considerable discretion in granting or denying" a motion to amend the judgment).

Accordingly,

IT IS ORDERED the Motion (Doc. 13) is **GRANTED**. The Clerk of Court shall reopen this case.

IT IS FURTHER ORDERED plaintiff shall file the proof of service within three days of this order.

IT IS FURTHER ORDERED if no response to the complaint is filed by January 22, 2025, plaintiff shall apply for entry of default no later than January 24, 2025. Plaintiff shall file a motion for default judgment within seven days of the entry of defendant's default.

Dated this 18th day of December, 2024.

Honorable Krissa M. Lanham United States District Judge